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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2422

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11/16/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed October 27, 2011 have been fully considered but they are not persuasive.

In re page 9, applicant states that, it is unclear how the Examiner asserts that "if a viewer calls up the EPG when turned to a channel, he will only see the program information associated with that channel" disclosed in Tsinberg et al is the same as "wherein the program guide information is acquired by searching the accessible channels according to past tendency of a user" as recited in claim 39.

In response, as discussed in the last Office Action, Tsinberg discloses in col. 5, lines 47-55 that "The configuration of FIG. 3, in either embodiment, has the additional benefit of **allowing acquisition of EPG information from different RF channels** while **the viewer stays tune to a particular channel on main tuner 1**. As described above, ....he will only see the program information associated with the channel". It is noted that **the viewer stays tune to a particular channel on the main tuner 1** of Tsinberg anticipates the claimed past tendency of a user and the **allowing acquisition of EPG information from different RF channels** of Tsinberg anticipates the claimed the program guide information is acquired by searching the accessible channels. Thus, Tsinberg et al discloses the claimed "wherein the program guide information is acquired

by searching the accessible channels according to past tendency of a user” is disclosed in col. 5, lines 47-55.

In re pages 9-10, applicant argues that Tsinberg et al is related to collecting EPG data by monitoring EPG data, but fails to disclose “wherein the program guide information is acquired by searching the accessible channels according to past tendency of a user” as recited in claim 39.

In response, as discussed in the last Office Action, checking whether a database contains a list of previously monitored channels of Tsinberg et al anticipates the claimed past tendency of a user and the collecting EPG data of Tsinberg et al anticipates the claimed the program guide information is acquired by searching the accessible channels. Thus, Tsinberg et al discloses the claimed “wherein the program guide information is acquired by searching the accessible channels according to past tendency of a user” is disclosed in col. 5, lines 57-67.

In re page 10, applicant argues that “the entire EPG can be displayed using graphics overlay 7” disclosed in Tsinberg et al is different from “simultaneously with the acquiring of the program guide information, displaying a program list including program guide information of channel.”

In response, the examiner respectfully disagrees. As discussed in the last Office Action, Tsinberg discloses in col. 6, lines 21-25 that “At the conclusion of the process, CPU 6 will have gathered EPG information from all the digital channels. It combines this information so that, upon request of the viewer, the entire EPG can be displayed using graphics overlay 7”. From this passage, it is clear that the program list including

program guide information of channel (the EPG) is displayed simultaneously with the acquiring of the program guide information because the program guide can be displayed anytime as requested by viewer including at the time of acquiring of the program guide information and this displaying of the EPG is not different from the claimed "simultaneously with the acquiring of the program guide information, displaying a program list including program guide information of channel".

In re page 10, applicant argues, with respect to claim 3, that the combination of Cuccia and Tsinberg et al does not teach or suggest wherein the past tendency of the user can be estimated by a probability estimator of the receiver.

In response, the examiner respectfully disagrees. As discussed in claim 39 above, that the claimed probability estimator is anticipated by the determining the past tendency of Tsinberg and Cuccia.

In re page 11, applicant argues, with respect to claim 4, that the claim should not be rejected on the ground of old combination.

In response, it is noted that claim 4 is not rejected based on old combination. The rejection of claim 4 is based on the generating a message indicating that the user must wait until the capturing image is written of Anderson et al.

In re page 11, applicant states that claims 5-6 are patentable due at least to their depending from claim 3, as well as for the additional recitations therein.

In response, as discussed in claim 3 above, the combination of Tsinberg and Cuccia discloses all the claimed limitations of claim 3.

In re pages 11-12, applicant argues, with respect to claim 7, that the combination of Tsinberg and Cuccia fails to disclose the claimed "the sequence of accessing channels by proximity of channels to the channel tuned before the program guide command is executed".

In response, the examiner respectfully disagrees. As discussed in the last Office Action, the claimed "the sequence of accessing channels by proximity of channels to the channel tuned before the program guide command is execute" is met by the tuner 103 which is free to scan the signals for the EPG information when the TV-set in stand-by mode and the compound EPG (Fig. 1, col. 4, line 11 to col. 5, line 19 and col. 5, lines 58-65 of Cuccia).

In re page 12, applicant argues, with respect to claim 8, that the combination of Tsinberg and Cuccia fails to disclose "determining the order of priority of channels...according to a channel up/down command input before corresponding channels are accessed.".

In response, the examiner respectfully disagrees. As discussed in the previous Office Action, the scanning of EPG of Cuccia or Tsinberg is based on up/down channel command as required by claim 8.

In re pages 12-13, applicant argues, with respect to claim 9, that the combination of Cuccia and Tsinberg fails to disclose the claimed "wherein an upward or downward direction is preferential hen no channel up/down command is executed."

In response, the examiner respectfully disagrees. As discussed in the previous Office Actions, the scanning of EPG of Cuccia or Tsinberg is upward or downward direction.

In re page 13, applicant argues, with respect to claim 10, that none of cited references teach or suggest "searching channels upward or downward from the channel tuned before the program guide command is executed".

In response, the examiner respectfully disagrees. As discussed in the previous Office Actions, the scanning of EPG of Cuccia or Tsinberg is upward or downward from the channel tuned as required by claim 10.

In re page 13, applicant argues, with respect to claim 12, that claim 12 is patentable due at least to the same rationales as claim 3, as well as for the additional recitations therein.

In response, as discussed above with respect to claim 3, that the cited references disclose all the claimed limitations of claim 3.

In re page 14, applicant states that claims 13-16 are patentable due at least their depending from claim 12, as well as for the additional recitation therein.

In response, as discussed above with respect to claim 12, that the cited references disclose all the claimed limitations of claim 12.

In re page 14, applicant states that claims 11 and 24 are patentable due at least to their depending from claims 1 and 19, respectively.

In response, as discussed above with respect to claims 1 and 19, the cited references disclose all the claimed limitations of claims 1 and 19.

In re page 14, applicant argues, with respect to claim 16, that the combination of Cuccia and Tsinberg does not teach or suggest the invention as recited in claim 16 because the cited references fail to disclose or teach the claimed “wherein said acquiring the guide information comprises searching channels upward or downward from the currently tuned in channel before the program guide command is executed.”

In response, as discussed in the previous Office Actions, the scanning of Cuccia or Tsinberg is upward or downward from the channel tuned as required by claim 16.

In re page 14, applicant states that claim 17 is patentable due at least to its depending from claim 12, as well as for the additional recitations therein.

In response, as discussed above and in the previous Office Actions, the combination of Cuccia and Tsinberg discloses all the claimed limitations of claim 12.

In re pages 14-15, applicant states that claim 19 is patentable due at least the same rationales as claim 12, as well as for the additional recitations therein.

In response, as discussed above and in the previous Office Actions, that the cited references disclose all the claimed limitations of claim 12.

In re page 15, applicant argues, with respect to claim 18, that Mugura et al discloses displaying status related to “a particular channel program at a designated time, a channel program has been set for recording, and whether a program is designated as a favorite program” but fails to disclose “displaying a message indicating a status of program guide information in response to the program guide information of a corresponding channel not being stored” as recited in claim 18.

In response, as discussed in the last Office Action, the status of channel programs have been set for recording of Mugura et al anticipates the claimed "a message indicating a status of program guide information in response to the program guide information of a corresponding channel not being stored" of claim 18.

In re page 15, applicant states that claim 25 is also patentable due at least to the same or similar reasons as claim 18.

In response, as discussed above and in the previous Office Actions, the cited references disclose all the claimed limitations of claim 18.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571)272-7358. The examiner can normally be reached on 10:00 AM - 6:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey F. Harold can be reached on (571) 272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2422

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 09, 2011

/Trang U Tran/  
Primary Examiner, Art Unit 2422